

drugs in bulk that they get a discount price. We should be doing the same thing here for seniors in general. We should provide a prescription drug benefit that takes care of all seniors, regardless of their income as long as they are eligible for Medicare and also a prescription drug program that goes directly to the issue of price by saying that the Medicare administrator, the Secretary of Health and Human Services, should be empowered and should be mandated to reduce prices by negotiating price reductions because he now represents 40 million seniors who are part of the Medicare program.

Instead, the Republicans, because I know the conference is now going on between the House and Senate versions of this Medicare prescription drug bill, we hear the Republicans still insisting on the fact that they want to privatize Medicare, give senior citizens a voucher, and tell them that they have to go out and buy private insurance at some point in the future if they want to continue with their Medicare program in general. And then we are told that if they want to get any kind of prescription drug program under the Republican proposal, that they have to join an HMO because if they do not join an HMO or some kind of private program, they will not get the prescription drug benefit. That is bogus.

Today in the New York Times there was an article on page A-21 where they talked about fewer people on Medicare are being dropped by HMOs this year and the head of the Trade Association for HMOs was so proud of the fact that this year, or I guess next year, they estimate that only 39,000 to 40,000 Medicare beneficiaries will be dropped by their HMOs. So what? What about the fact that so many other seniors have been dropped by their HMOs in the last few years? It is estimated in this article that only about 11 percent of the 40 million seniors are now in HMOs or getting some kind of a drug benefit through their HMO. How in the world are the Republicans going to propose saying that the only way they get a prescription drug benefit is if they join an HMO, when only about 11 percent right now of seniors are in HMOs and fewer and fewer every day because even with this drop in the number that are essentially being dropped, there is still another 40,000 that will not be able to keep their HMO as a means of continuing with their Medicare?

The bottom line is, and this is what the Democrats have said, there is an obligation on this Congress and this President to pass a prescription drug bill that provides a prescription drug benefit to all seniors, whether or not they are in an HMO or not, and the Medicare prescription drug proposal should not be used as an excuse to privatize Medicare in general.

There is going to be a motion to instruct this week. I believe it is going to be proposed by my colleague from Maine, to make the point that the conferees should not require people to

have to join an HMO to get their prescription drug benefit and that we should not be moving down the road of privatizing Medicare, and we need to pass that motion, but we also need to have some kind of way of dealing with the issue of price. Otherwise, we are never going to be able to afford this prescription drug benefit.

#### INTRODUCTION OF THE STUDENT TESTING FAIRNESS ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. STRICKLAND) is recognized during morning hour debates for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, last spring I received an e-mail from a sixth grade math teacher by the name of Dawn Spurr. Dawn teaches in a small town in my district, and she wrote to me just after she had given her students a standardized test that she did not feel fairly measured her students' progress. She told me that several of her students were very upset. Some even left the classroom in tears because they simply did not have enough time to finish the test even though she felt they knew the answers, and she was upset as a teacher because she will be judged based on how well her students perform on that test. As a result, she said in her letter, Congressman, "instead of teaching students, I am to teach a test."

As a result of this e-mail I received, today I am introducing a bill titled The Student Testing Fairness Act. This bill will address some of the problems with all of the new testing mandates contained in the No Child Left Behind law. Even though the test Dawn gave her students was not one mandated by the No Child Left Behind law, the law does mandate certain standardized testing procedures which will make the situation even worse.

The No Child Left Behind law establishes two important goals: First, the law requires schools to make all students proficient in reading and math by the year 2013-2014 school year. And, second, the law requires schools to close the achievement gap between subgroups of poor and minority students and their more affluent non-minority peers. The No Child Left Behind law requires annual testing in reading and math of all students in grades three through eight and once in grades ten through 12 beginning in the 2005-2006 school year.

Mr. Speaker, effective and appropriate standardized tests can be used to measure student progress and to target help where it is most needed. However, test scores alone cannot accurately measure a student's success or a school's success. Other measures such as attendance rates, dropout rates, and the percentage of students taking advanced placement tests all contribute to the overall picture of a school's success or failure. While the No Child Left Behind law does allow the use of mul-

tiple measures in assessing a school's success or failure, it provides no balance.

Test scores are always a prerequisite for a school's success, and other indicators cannot be used to help a school succeed even though they can be used to determine whether or not a school is sanctioned. This has very troubling consequences. For example, since schools cannot succeed by reducing dropout rates but they can incur sanctions if their test scores fail to show consistent annual improvement, they have little incentive to keep at-risk students who are more likely to get lower test scores from leaving school.

The Student Testing Fairness Act will give schools and teachers and students the flexibility to measure progress using more than just a single standardized test. Among several other provisions, my bill will give schools credit for any student improvement, not just improvement that brings a subgroup of students into the proficiency category. And my bill will ensure that help is targeted where it is needed by limiting public school choice and supplemental services to those subgroups of students who have failed to improve.

Standardized tests can work, but they are not the only answer, and I hope my colleagues will join me in ensuring that the educational reforms enacted by the No Child Left Behind bill are truly effective by passing the Student Testing Fairness Act into law.

Mr. Speaker, we have passed huge mandates from the Federal Government down to the States. We are underfunding those mandates by \$8 billion. As a result, students will drop out and teachers and schools will be unfairly punished.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BURGESS) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of mercy and love, You offer all peoples of the Earth the dignity of sharing in Your life.

Strengthen the people of this Nation to overcome all racial hatreds and religious prejudices that we may truly be one Nation under God enlightened and free; a real witness of inner freedom to the world.

May the Members of the House of Representatives be united in enacting laws and formulating policies that assure everyone equal justice under the law. This we ask and for this we are eternally grateful and praise You Lord now and forever. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### HOMETOWN HERO

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, over the years the first district of South Carolina has been home to many heroes. I would like to thank one of them today.

Brigadier General Jerry Black retired this Sunday after 36 years of distinguished service in the U.S. Air Force and Air Force Reserve.

A low country native, General Black graduated from St. Andrews High School and the Citadel. From there the Air Force sent him all over the world.

From pilot training in Texas to service in Vietnam, from Panama to the Middle East, in peacetime and in war, General Black was always eager to answer his country's call to duty.

Most recently, General Black served as the wing commander for the 315th Air Wing in Charleston Air Force Base. It was here that I had the pleasure to meet with him on several occasions. I can personally attest to the many long hours he dedicated to ensure success in both Afghanistan and Iraq.

General Black leaves behind a legacy of dedication, selflessness, and integrity. Our country is better for his service, and the first district is proud of this hometown hero.

#### CELEBRATING THE 19TH ANNIVERSARY OF NEW COVENANT ASSEMBLY CHRISTIAN MINISTRY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this past weekend marked the

19th Founder's Week and Church Anniversary Services for the New Covenant Assembly Christian Ministry of Columbia, South Carolina.

Led by Pastor C.L. Hardy and his first lady, Cynthia Hardy, this ministry has risen from humble beginnings in 1984 at St. Andrews Community Center to an inspiring edifice changing lives across the midlands of South Carolina.

Additionally, Dr. Hardy founded the NCA Community Development Center. Its mission is to aid, service, and develop people to reach their highest and fullest potential by providing special outreach programs, promoting educational success, and by enhancing permanent leadership.

Dr. Hardy's success has been recognized by his appointment as Suffrogon Bishop in region three of the Pentecostal Assemblies of the World and his election as chairman of the Carolina State Council. However, as Dr. Hardy often says, "It's all about the Lord, not me."

I ask my colleagues to join me in honoring Dr. and Mrs. Hardy for their many achievements and wish them well for many more years of dedicated service to the people of both Carolinas.

#### SUPPORTING THE AMERICORPS PROGRAM

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of AmeriCorps, a program that offers an opportunity for young people and Americans of all ages to contribute to their communities. It makes the dream of college education a reality for families who work hard and play by the rules while meeting compelling human needs in our communities in a cost-effective manner.

I have been supportive of all national and community service initiatives President Bush appealed for in his 2002 State of the Union address. But the majority side of the appropriators refused to include AmeriCorps funding in the supplemental appropriations bill.

Mr. Speaker, the lack of supplementary funding for AmeriCorps has had a vital impact on Dallas, my hometown, and the other AmeriCorps programs across the State.

Throughout the past year, nearly 72 AmeriCorps volunteers have tutored 691 youths in the State of Texas including the Dallas Habitat for Humanities and the YMCA of Dallas Oak Cliff Branch.

In Texas, as in other States, AmeriCorps volunteers provide a host of services including building affordable housing, teaching computer skills to youth and seniors, and managing after-school programs aimed at youngsters who might otherwise drop out of school.

Mr. Speaker, we will not find common ground or reach higher ground if we turn national service into a partisan playground.

I will continue to work hard and do everything I can to strengthen this program, and I ask my House colleagues to do everything as well.

#### DEMOCRACY MEANS YOU

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, my office, just like any other office here on the Hill, responds to thousands of constituent concerns each month. We spend a great deal of time responding in a timely manner to these letters, e-mails, and phone call requests; and this give and take is the hallmark of our democracy.

Lately, I have been receiving more and more letters and e-mails sent by organizations supposedly on behalf of my constituents. One of these organizations recently sent a letter to my office from one of my constituents. The problem is that this constituent is a personal friend of mine who did not ask them to send a letter to me with his name on it. In fact, he did not even agree with the content of the letter. He simply signed up to receive e-mail updates. He told me in an e-mail last month that "every week this group would send junk to the people on their list, and then ask you to forward it to your politicians. What a scam. I never forwarded any of that garbage." Yet one of those messages got to me with his name on it.

It is outrageous that any group would send mass mailings to Members of Congress under false pretenses, deceptively putting someone's name on it without their knowledge or consent. We rely on the integrity of the mail so that we can reply in good faith; and when that good faith is undermined, it is shameful and a disgrace to the American democratic system.

#### TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BURGESS). Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1412

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday,